

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARVEY D. VAUGHN,)	
Petitioner)	
)	
vs.)	Civil Action No. 08-184J
)	Judge Kim R. Gibson/
PENNSYLVANIA DEPARTMENT OF)	Magistrate Judge Amy Reynolds Hay
CORRECTIONS; SEC. OF)	
CORRECTIONS JEFFREY BEARD,)	
Secretary, PA DOC; KENNETH)	
CAMERON, Superintendent or Acting)	
Superintendent of SCI Cresson,)	
Respondents)	

ORDER

AND NOW, this 16th day of September, 2008, after the Petitioner,

Harvey D. Vaughn, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the petitioner until September 8, 2008 to file written objections thereto, and objections having been filed by petitioner on September 3, 2008 to the report and recommendation, and Petitioner having filed a motion for temporary restraining order after the report and recommendation was filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition [1] is dismissed pre-service for failing to state a claim cognizable under habeas;

IT IS FURTHER ORDERED that Petitioner's motion for temporary restraining order [4] is dismissed as moot given that the habeas petition is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

KIM R. GIBSON
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Harvey D. Vaughn
FN-8974
SCI Cresson
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